
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	File No.: EB-06-DL-130
Cindy Tork)	
Stephen L. Tork)	Citation No.: C20063250002
Fred Cordell)	
Kimla Cordell)	
)	
d.b.a. CBs at Their Best)	
)	
Pauls Valley, Oklahoma 73075)	

CITATION

Released: September 29, 2006

By the District Director, Dallas Office, South Central Region, Enforcement Bureau:

1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Act”),¹ to Cindy Tork, Stephen L. Tork, Fred Cordell, Kimla Cordell d.b.a. CBs At Their Best (“CBs At Their Best”) for violation of Section 302(b) of the Act,² and Sections 2.803(a)(1), 2.815(b) and 2.815(c) of the Commission’s Rules (“Rules”).³

2. Investigation by the Commission’s Dallas Office of the Enforcement Bureau revealed that on July 19, 2006, CBs At Their Best, through the use of internet website www.cbsattheirbest.net, offered for sale thirty non-certified Citizens Band (“CB”) transceivers as follows:

Brand	Model	Price
Connex	3300	\$185.00
Connex	3300HP	\$220.00
Connex	3300LEHP	\$230.00
Connex	3300Patriot	\$230.00
Connex	4400HP	\$240.00
Connex	4800HPE	\$?
Galaxy	DX2517	\$450.00
Galaxy	DX2547	\$339.00
Galaxy	DX33HML	\$199.00

¹ 47 U.S.C. § 503(b)(5).

² 47 U.S.C. § 302a(b).

³ 47 C.F.R. §§ 2.803(a)(1), 2.815(b), 2.815(c).

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Galaxy	DX44V	\$219.00
Galaxy	DX55V	\$190.00
Galaxy	DX66V	\$265.00
Galaxy	DX77HML	\$240.00
Galaxy	DX88HL	\$325.00
Galaxy	DX93T	\$430.00
Galaxy	DX99V	\$360.00
General	General Lee	\$210.00
Magnum	S-3	\$230.00
Magnum	S-9	\$359.95
Ranger	2950DX3	\$315.00
Ranger	2970DX3	\$419.00
Ranger	2980DX	\$449.00
Ranger	2985DX	\$490.00
Ranger	2995DX	\$559.00
Ranger	6300F150-Turbo	\$405.00
Ranger	6300F25	\$299.99
Ranger	6900F150	\$434.99
Ranger	6900F25	\$315.00
Superstar	121	\$135.00
Superstar	3900G	\$189.00

According to Commission records these devices have not received an FCC equipment authorization, which is required for CB transmitters marketed in the United States.

3. CBs At Their Best, through the use of internet website www.cbsattheirbest.net, also offered for sale non-certified External Radio Frequency Power Amplifiers as follows:

Brand	Model	Price
Texas Star	250HDV	\$175.00
Texas Star	DX400V	\$275.00
Texas Star	DX500V	\$325.00
Texas Star	DX667V	\$385.00
Texas Star	DX1200	\$500.00
Texas Star	DX1600	\$600.00
Texas Star	ModV	\$115.00
Twister	XL250V	\$149.95
Twister	XL350	\$225.00
Twister	XL400V	\$310.00
Twister	XL800	\$395.00

4. Section 302(b) of the Act provides: “No person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.” Section 2.803(a)(1) of the Rules provides that “...no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless: (1) In the case of a device subject to

certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled...” CBs At Their Best’s offering for sale of the transceivers listed in paragraph 2 violates both sections.

5. Although CBs At Their Best marketed the devices listed in paragraph 2 as 10 meter mobile radios, the Commission has evaluated devices similar to those at issue and concluded that they fall within the definition of a CB transmitter because they can be easily configured to operate on CB frequencies.⁴

6. Additionally, dual use CB and amateur radios of the kind at issue here may not be certificated under the Rules.⁵

7. Section 2.815(c) of the Rules prohibits the manufacture, sale, or offering for sale of any External Radio Frequency Power Amplifier (or amplifier kits) capable of operation on any frequency below 144 MHz unless the amplifier has received a grant of type acceptance.⁶ Furthermore, Section 2.815(b) of the Rules prohibits the sale or marketing of External Radio Frequency Power Amplifiers (or amplifier kits) capable of operating on any frequency between 24 and 35 MHz.⁷ CBs At Their Best’s offering for sale of the non-certified External Radio Frequency Power Amplifiers listed in paragraph 3 violates both sections of the Rules and Section 302(b) of the Act.

8. Violations of the Act or the Rules may subject the violator to substantial monetary forfeitures,⁸ seizure of equipment through *in rem* forfeiture action, and criminal sanctions, including imprisonment.⁹

9. Cindy Tork, Stephen L. Tork, Fred Cordell, Kimla Cordell d.b.a. CBs At Their Best may request an interview at the closest FCC Office, which is Federal Communications Commission, 9330 LBJ Freeway, #1170, Dallas, Texas 75243.¹⁰ You may contact this office by telephone, XXX XXX-XXXX, to schedule this interview, which must take place within 14 days of this Citation. Cindy Tork, Stephen L. Tork, Fred Cordell, Kimla Cordell d.b.a. CBs At Their Best may also submit a written statement to the above address within 14 days of the date of this Citation. Any written statements should specify what actions have been taken to correct the violations outlined above. Please reference file number EB-06-DL-130 when corresponding with the Commission.

10. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.¹¹ Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.¹²

⁴ See Letter from Christopher Wright, General Counsel, FCC to John Atwood, Chief Intellectual Property Rights, US Customs Service, 14 FCC Rcd 7797 (OGC, 1999). See also definition of CB transmitter, 47 C.F.R. § 95.603(b) (“transmitter that operates or is intended to operate at a station authorized for the CB service”).

⁵ 47 C.F.R. § 95.655(a); see also FCC 88-256, 1988 WL 488084 (August 17, 1988). This clarification was added to explicitly foreclose the possibility of certification of dual use CB and amateur radios, see *id.*, and thereby deter use by CB operators of frequencies allocated for amateur radio use.

⁶ 47 C.F.R. § 2.815(c).

⁷ 47 C.F.R. § 2.815(c).

⁸ 47 C.F.R. § 1.80(b)(3).

⁹ 47 U.S.C. §§ 401, 501, 503, 510.

¹⁰ 47 U.S.C. § 503(b)(5).

¹¹ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

11. **IT IS ORDERED** that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to Cindy and Stephen L. Tork, Fred and Kimla Cordell at their addresses of record and the address of record for CBs At Their Best.

FEDERAL COMMUNICATIONS COMMISSION

James D. Wells
District Director, Dallas Office
South Central Region
Enforcement Bureau

¹² See 18 U.S.C. § 1001 *et seq.*